IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO: 27148 of 2003

Between:

B. Lakshmi Prasanna Kumari, W/o late D. Venkata Krishna,
R/o Municipal Quarters, Robersonpet, K.G.F. Kolar District, Karnataka

State.

... PETITIONER

AND

1 The Vice Chairman and Managing Director, A.P.State Road Transport

Corporation,
Musheerabad, Hyderabad.
2 The Divisional Manager, APSRTC,
Kuppam Depot, Kuppam, Chittoor District.
3 The Depot Manager, A.P.S.R.T.C.,
Kuppam Depot, Kuppam, Chittoor District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus holding that the action of the respondents in denying the appointment to the petitioner that her husband died by committing suicide and making classification is in violation of Art.14 and 16 of the Constitution of India and consequently declare

the action of the 3rd respondent in issuing proceedings No.PA/756(1)/02-KPM, dated
30-11-2002 as illegal, arbitrary and unconstitutional.

Counsel for the Petitioner: MR.D.KODANDARAMI REDDY

Counsel for the Respondents: MR.P.VINAYAKA SWAMY.

The Court made the following Order:

ORDER:

Petitioner is the wife of late D. Venkata Krishna who worked as Conductor in the A.P. State Road Transport Corporation and who died by committing suicide on 02-07-2002. The petitioner states that she has studied B.Com and she got a minor daughter aged 4 years. She made an application to the 2nd respondent on 01-11-2002 seeking appointment as clerk on compassionate grounds. But, third respondent vide his letter dated 30-11-2002 informed the petitioner that as per the letter of the Vice Chairman and Managing Director No.GC2/261/2000-PO-I, dated 07-06-2000, dependants of the employees who committed suicide are not entitled to compassionate appointment under bread winner scheme; therefore the petitioner is not entitled for appointment on compassionate grounds. Questioning the said action of the respondents, petitioner filed this Writ Petition.

2. Respondents filed counter stating that as per the clarification from the Chief Personnel Manager, Hyderabad, vide
Lr.No: GC2/261/2000-PO-I, dated 07-06-2000, the case of dependants of employees who committed suicide will not come under the purview of bread winner scheme, as such there is no provision for any appointment to the family members of the deceased employees, who committed suicide; hence the case of the petitioner was rightly rejected. Committing suicide is a voluntary action of that particular person and therefore for the wrong committed by the person who committed suicide, the benefit under the breadwinner scheme cannot be cannot be extended to

the dependants of the deceased employees. However, the learned counsel appearing for both the parties stated that the petitioner is entitled for Additional Monetary Benefit. This Court, while considering similar case, in W.P.No.13173 of 2002 on 15-11-2002, rejected the request of the petitioner therein for appointment of the dependants of the deceased who committed suicide, on compassionate grounds, and basing on the counter filed by the A.P.S.R.T.C. with regard to the entitlement of the Additional Monetary Benefit, directed the respondents to extend the said benefit to the petitioner.

3. Following the aforesaid order in W.P.No.13173 of 2002 and in the factual circumstances of the case, I am of the opinion that the petitioner is not entitled for compassionate appointment in terms of the existing scheme of compassionate appointment to the dependants of the deceased employees who committed suicide and therefore the petitioner is not entitled for appointment on compassionate grounds.

4. But, having regard to the facts and circumstances of the case, the petitioner is entitled for Additional Monetary Benefit. Accordingly, the respondents are directed to extend the Additional Monetary Benefit to the dependants of the deceased employee D. Venkata Krishna as expeditiously as possible, in any case within a period of two months from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No order as to costs.

_____

(V. ESWARAIAH, J)

MRR/BCJ

To:

1 The Vice Chairman and Managing Director, A.P.State Road

Transport Corporation, Musheerabad, Hyderabad.
2 The Divisional Manager, APSRTC,
Kuppam Depot, Kuppam, Chittoor District.
3 The Depot Manager, A.P.S.R.T.C.,
Kuppam Depot, Kuppam, Chittoor District.

4 Two C.D. Copies.